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Conventional arms control at the regional and subregional levels

Report of the Secretary-General

Addendum*

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* The information contained in the present report was received after the issuance of the main report.

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II. Replies received from Member States

Azerbaijan

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General

Conventional arms control regimes remain major instruments for ensuring military stability, predictability and transparency. Azerbaijan underlines the utmost importance of the implementation by the States Members of the United Nations of their respective obligations on conventional arms control adopted at the regional and subregional levels.

Azerbaijan signed the Tashkent Agreement on the Principles and Procedures for the Implementation of the Treaty on Conventional Armed Forces in Europe (CFE Treaty) in 1992 and the Adapted CFE Treaty in 1999. Although the Tashkent Agreement has not been ratified by Azerbaijan and thus does not constitute a legally binding obligation, Azerbaijan has been voluntarily applying and observing all the provisions of the CFE Treaty. Under the CFE Treaty and the Vienna Document 2011 on Confidence- and Security-Building Measures, Azerbaijan demonstrates its commitment to transparency measures by participating in regular information and notification exchanges and receiving inspections.

In the light of the ongoing discussions on the future of the conventional arms control regime in Europe, any future mechanism must, inter alia, be based on the CFE Treaty and Adapted CFE Treaty provisions; provide for accountability and control by its State party with regard to all conventional armaments and equipment limited by a new mechanism within its area of application; provide for the presence, within its area of application, of military forces of one State party on the internationally recognized territory of another in conformity with international law and the explicit consent of the host State party; reconsider the ceilings of conventional armaments and equipment allowed by the CFE Treaty regime so that the total better reflects the current security conditions and objective criteria in the Treaty applications zone and actual Treaty-limited equipment holdings, as appropriate; and be applied only in peacetime.

Violation of the Treaty on Conventional Armed Forces in Europe by Armenia

As a complex politico-military arrangement, any conventional arms control regime can be truly effective provided that there is a high degree of commitment by its parties to peace and, most important, scrupulous observation by them of the norms and principles of international law, which constitute a basic foundation of any arms control regime.

The major obstacle to the full implementation of the CFE Treaty in the South Caucasus region is the continuing illegal occupation by Armenia of the territories of Azerbaijan. The fundamental principle of the CFE Treaty is the obligation of its States parties under international law "to refrain in their mutual relations, as well as in their international relations in general, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes and principles of the Charter of the United Nations".

Armenia flagrantly violated that international legal obligation by using military force to occupy the territory of Azerbaijan, carry out ethnic cleansing there and establish on the occupied territory the ethnically constructed subordinate separatist entity. It has been internationally recognized, including by the General Assembly and the Security Council, that the Daghlyq Garabagh (Nagorno-Karabakh) region and seven surrounding districts of Azerbaijan are under Armenian military occupation.

Another fundamental principle of the CFE Treaty which Armenia blatantly violates is the "host nation consent" defined by article IV (5) of the Treaty, providing that no State party can station conventional armed forces on the territory of another State party without the agreement of that State party. Indeed, Armenia continues building up its military presence in the occupied territories of Azerbaijan. In violation of its CFE Treaty obligations, Armenia has deployed in the occupied territories of Azerbaijan more than 40 well-equipped combat units with up to 350 battle tanks, 398 armoured combat vehicles, 425 artillery systems (calibre 100 mm and above) and about 45,000 military personnel. However, Armenia officially declares its national holdings as only 110 battle tanks, 140 armoured combat vehicles, 239 artillery systems (calibre 100 mm and above) and 46,804 military personnel. Over the past three years, Armenia has acquired but not declared 21 battle tanks, 61 armoured combat vehicles and 54 artillery systems. The cumulative number of the declared and undeclared Treaty-limited items of equipment of Armenia is 481 battle tanks, 599 armoured combat vehicles and 718 artillery systems, as well as 91,804 military personnel.

The total number of declared and undeclared Treaty-limited equipment and military personnel of Armenia give a clear picture of the extent to which that country has exceeded its allowed limit under the CFE Treaty. Thus, in accordance with the Tashkent Agreement of 1992, Armenia is allowed to hold only 220 battle tanks, 220 armoured combat vehicles and 285 artillery systems, whereas under the Concluding Act of the Negotiation on Personnel Strength of Conventional Forces in Europe, Armenian armed forces can have only up to 60,000 personnel.

Armenia can easily move accounted for and registered military equipment from its territory to the occupied territories of Azerbaijan without any disclosure that has to be made in accordance with the CFE Treaty and in the context of United Nations transparency measures in respect of armaments. Thus, for example, the weaponry displayed at the military parade held on 9 May 2012 in the city of Khankendi, situated in the occupied Daghlyq Garabagh region of Azerbaijan, indicates that Armenia is in breach of its obligations as an end-user under arms import operations, including, in particular, by exporting or transferring procured armaments without the agreement of the exporting States, and not reporting these operations under the existing information exchange mechanism of the Organization for Security and Cooperation in Europe (OSCE). The facts presented in documents A/66/808-S/2012/330 and A/66/829-S/2012/427 once again confirm Armenia's apparent disregard of its obligations under international law, as well as its respective commitments under the existing arms control regimes to which it is a party.

The continued occupation by Armenia of the territories of Azerbaijan, the former's militaristic policy and the regular ceasefire violations committed by its armed forces, including attacks on both military and civilian objects in Azerbaijan, and the undisguised promotion by the leadership of Armenia of the odious ideas of

ethnic and religious hatred and intolerance pose a serious threat to regional and international peace, security and stability and require the constant attention and reaction of the United Nations and the broader international community.

The conclusion to be drawn from the above-mentioned facts is that Armenia's policy of occupation in total disregard of international law, including the purposes and principles of the Charter of the United Nations, remains a major hurdle for the normal operation of the CFE Treaty in the South Caucasus region. Therefore, it is incumbent on Armenia to immediately withdraw its armed forces from the Daghlyq Garabagh region and other occupied territories of Azerbaijan, to constructively engage in the negotiations on a peaceful settlement of the conflict and to respect the territorial integrity and inviolability of the internationally recognized borders of the neighbouring countries, thus paving the way for the achievement of lasting peace, security and stability and the establishment of a genuine arms control regime in the region.